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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,118	04/01/2005	Dirk Adolph	PD020099	2641
24498	7590	08/31/2009		
Thomson Licensing LLC P.O. Box 5312 Two Independence Way PRINCETON, NJ 08543-5312			EXAMINER ANDRAMUNO, FRANKLIN S	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 08/31/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,118

Applicant(s)

ADOLPH ET AL.

Examiner

FRANKLIN S. ANDRAMUNO

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/05/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/05/09 have been fully considered but they are not persuasive. Applicant argues on page 5, sixth paragraph, "Yahata in view of Yamada is incomplete in that it fails to fully recognize the difference from applicants claim 1 which recites 'indicating the stream path type of each of said sub stream paths.'" While applicant's point is understood, examiner respectfully disagrees. Examiner explicitly points out that Katsube includes the feature of indication of stream paths. It should also be pointed out that under KSR rule, all known features in a system can be properly combined to yield predictable result. This indicates the combination of Yahata, Yamada and Katsube proper.
2. Applicant further argues on page 6, first paragraph, "labels as disclosed by Katsube refer to transmission path in a network. The Katsube labels are completely different from stream type indication. Examiner again respectfully disagrees. The manipulation of stream type path in a network is insignificant as to what type of information the stream path carries. The transferring of data packet and switching streams is the same principle regardless on the transmission system.
3. Lastly applicant argues on page 6, fourth paragraph, "Yamada teaches that a title set is construed of a plurality of titles sharing the AV data with each other, but ignores the fact put forth in the above mentioned remarks that a video data file includes AV data of all scenes constructing the title set." Examiner again disagrees. Yamada, shows on

(column 14 lines 50-57) the CPU (10) reads the information of the number of titles (407) and the chapter information list (414) included in the title information (406) of the scenario information (400) stored in the RAM (12). This shows the bidding for each of the features such as titles, chapters, scenario information. In addition, (column 14 lines 65-67) the CPU (10) reads the display information included in the button information (405), and superimposes the display information of the button image over the image specified by the background information. This shows Yamada teaches a system with a video data file including AV data of all scenes constructing the title set.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahata et al (US 2004/0240856 A1) in view of Yamada et al (US 6,778,759 B1) in view of Katsube et al (US 6,341,127 B1). Hereinafter referred as Yahata, Yamada, Katsube.

Regarding claims 1, 6 and 7, Yahata discloses a method apparatus and a pre-recorded storage medium for arranging data streams containing video, audio and/or other data (**Figure 2**), comprising: defining a basic stream path of consecutive descriptors pointing to parts of a basic AV MPEG-2 transport stream of multiplexed

elementary streams (**page 1 paragraph (0002)**), wherein said descriptors define the arrangement in time for playing back said parts of said basic AV MPEG-2 transport stream (**page 1 paragraph (0007) lines 1-5**); defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path (**page 1 paragraph (0012)**), said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream (**page 2 paragraph (0024)**), wherein each of said sub stream paths is one of a video stream path type (**video decoder in figure 18**), an audio stream type (**Audio Decoder in figure 18**), a subtitle stream type or a graphics stream type (**page 13 paragraph (0320) line 4**); indicating the stream type of each of said sub stream paths; and binding at least one data stream which is originating from an external data source to said basic AV MPEG-2 transport stream by pointing at said data stream by descriptors of the corresponding sub stream path.

However, Yahata fails to disclose the binding of an external source to a corresponding sub stream. Yamada teaches in **column 6 lines 66 to column 7 lines 9** that a title set is constructed of a plurality of titles sharing the AV data each other.

Therefore, it would have been obvious at the time of the invention to include the use of binding the originating av-mpeg stream to a corresponding sub stream path. This is a useful combination because it allows a dvd movie to be shared with different subtitles and languages.

However, Yahata and Yamada fail to teach the indication of stream paths. Katsube discloses on **(column 1 lines 38-50)** a path through which packets are transferred by this label switching is called a label switching path (LSP). Moreover, Katsube discloses on **(column 2 lines 35-44)** the LSP and/or packet streams transferred by the LSP (which are identified by the address information such as source/destination addresses). Therefore, indicating the exchange of information between external data source.

Therefore, it would have been obvious at the time of the invention to include the use of indication stream paths. This is a useful combination because users are able to recognize the data of each stream of information.

2. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable by Yahata et al (US 2004/0240856 A1) in view of Yamada et al (US 6,778,759 B1) in view of Katsube et al (US 6,341,127 B1) in view of Chotoku et al (US 2002/0006268 A1). Hereinafter referred as Yahata, Yamada, Katsube, and Chotoku.

Regarding claim 2, Yahata discloses a method according to claim 1, wherein said basic AV MPEG-2 transport stream is pre-recorded on a read-only disc and said at least one data stream bound to said basic AV MPEG-2 transport stream **(Figure 4)** is provided via internet. **However, Yahata and Yamada fail to** show the use of internet for uploading the AV MPEG-2 transport Stream. Chotoku discloses on **(page 4 paragraph (0060))** information can be acquired from a network such as the internet.

Therefore, it would have been obvious at the time of the invention to include the use of internet. This is a useful combination because it saves space on the disk and allows more data to be disclosed through the use of the internet.

Regarding claim 3, Chotoku discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of said data streams concerning their relative relation in time by defining the start time and end time of the separate parts of data streams (page 2 paragraph (0026)).

Regarding claim 4, Yamada discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of data streams concerning their switching by defining points in time and in the binary stream (Figure 5) were the decoding of a part of a data stream can be substituted by decoding a part of another data stream (Video File 1 in figure 6).

Regarding claim 5, Yahata discloses a method according to claim 1, wherein the format of a data stream bound to said basic AV MPEG-2 transport stream is an MPEG-2 transport stream of multiplexed elementary streams (page 14 paragraph (0335)).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Unit 2424